

Practitioner's Docket No. 180/156 PCT/US  
Serial No. 10/529,071

10/529071

## CHAPTER II

## IN THE UNITED STATES ELECTED OFFICE (EO/US)

PCT/US03/31097	01 October 2003 (01.10.03)	01 October 2002 (01.10.02)
International Application No.	International Filing Date	Priority Date Claimed

TARGETED TUMOR THERAPY BY USE OF RECOMBINANT ADENOVIRUS VECTORS THAT  
SELECTIVELY REPLICATE IN HYPOXIC REGIONS OF TUMORS

Title of Invention

Duke University, et al.  
Applicant(s)

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
ATTENTION: EO/US

COMPLETION OF FILING REQUIREMENTS  
FOR INTERNATIONAL APPLICATION ENTERING U.S. NATIONAL STAGE  
IN U.S. ELECTED OFFICE (EO/US) UNDER 35 U.S.C. § 371

This replies to the Notice of Missing Requirements under 35 U.S.C. § 371 and 37 C.F.R. § 1.495  
(FORM PCT/DO/EO/905).

A copy of FORM PCT/DO/EO/905 accompanies this response.

EXPRESS MAILING UNDER 37 C.F.R. § 1.10\*

(Express Mail label number is *mandatory*.)  
(Express Mail certification is *optional*)

I hereby certify that this paper, along with any document referred to, is being deposited with the United States Postal Service on this date  
September 30, 2005 in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria,  
VA 22313-1450 as "Express Mail Post Office to Addressee" Mailing Label No. EV641132886US.

Stacie H. Boswell

Date: September 30, 2005

Stacie H. Boswell  
Signature of person certifying

**WARNING:** Certificate of mailing (first class) or facsimile transmission procedures of 37 C.F.R. 1.8 cannot be used to obtain a date of mailing or transmission for this correspondence.

**\*WARNING:** Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. 1.10(b).

"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

### DECLARATION OR OATH

- I. The declaration or oath that was filed was determined to be defective. A new original oath or declaration is attached.

### FEES

- II. Surcharge fees

Surcharge for filing the oath or declaration  
later than thirty months from the priority  
date pursuant to § 1.495(c):

\$65.00

**Total Fees**

**\$65.00**

### SMALL ENTITY STATUS

- III. An assertion that this filing is by a small entity was made by paying the basic national fee as a small entity.

### EXTENSION OF TIME

- IV. The proceedings herein are for a patent application. Accordingly, the provisions of 37 C.F.R. § 1.136(a) apply.

Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

### TOTAL FEE DUE

- V. The total fee due is:  
Completion fee(s)

\$65.00

**TOTAL FEE DUE \$65.00**

10/05/2005 ATRAM1 00000109 500426 10529071

01 FC:2617 65.00 DA

### PAYMENT OF FEES

- VI.

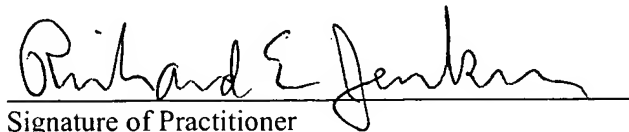
Authorization is hereby made to charge the amount of \$65.00 to Deposit Account No. 50-0426.

Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this request is attached.

Date: 9-30-05

Reg. No.: 28,428  
Tel. No.: 001-919-493-8000  
Customer No.: 25297



Signature of Practitioner  
Richard E. Jenkins  
Jenkins, Wilson & Taylor, P.A.  
Suite 1400 University Tower  
3100 Tower Boulevard  
Durham, NC 27707  
UNITED STATES OF AMERICA



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/529,071	Chuan-Yuan Li	180/156 PCT/US

Arles A Taylor Jr  
Jenkins Wilson & Taylor  
Suite 1400 University Tower  
3100 Tower Boulevard  
Durham, NC 27707

INTERNATIONAL APPLICATION NO.	
PCT/US03/31097	
LA. FILING DATE	PRIORITY DATE
10/01/2003	10/01/2002

CONFIRMATION NO. 6572  
371 FORMALITIES LETTER



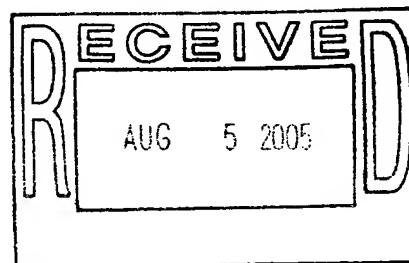
\*OC000000016658776\*

Date Mailed: 08/01/2005

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 03/24/2005
- Copy of the International Search Report filed on 03/24/2005
- Information Disclosure Statements filed on 04/25/2005
- Biochemical Sequence Diskette filed on 03/24/2005
- Oath or Declaration filed on 03/24/2005
- Biochemical Sequence Listing filed on 03/24/2005
- Small Entity Statement filed on 03/24/2005
- U.S. Basic National Fees filed on 03/24/2005
- Priority Documents filed on 03/24/2005



The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- \$65 Surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR 1.492(e)) is required.

#### SUMMARY OF FEES DUE:

Total additional fees required for this application is \$65 for a Small Entity:

9/11, 10/11, 11/11  
DOCKET DATES: 12/11, 1/11, 2/11, 06  
ASSIGNED ATTY: AAT/CPP  
FILE NO. 180/156 PCT/US  
DOCKETED BY: HMD  
DATE: 8-8-05

- \$65 Late oath or declaration Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

WINSTON M ALVARADO

Telephone: (703) 308-9140 EXT 206

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/529,071	PCT/US03/31097	180/156 PCT/US